A bill to be entitled

An act relating to parenting plan enforcement and law enforcement assistance; amending s. 61.046, F.S.; requiring parenting plans to include notice regarding law enforcement assistance for enforcement of parenting plans; creating s. 61.44, F.S.; providing duties and limitations for law enforcement officers regarding enforcement of parenting plans and custody orders; providing definitions; prioritizing child safety; providing reporting requirements; providing immunity; providing construction; amending s. 937.0201, F.S.; revising the definition of the term "missing child"; requiring law enforcement training; providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as "Niko's Law."

Section 2. Legislative Findings and Intent.

The Legislature finds and declares that:

(1) The wrongful withholding or concealment of a child from a parent or legal guardian possessing lawful court-ordered custody or time-sharing rights causes substantial emotional, developmental, and psychological harm to the child and the family.

(2) Children with disabilities, including autism spectrum disorders and genetic conditions such as Cornelia de Lange syndrome, are particularly vulnerable to disruptions in routine, schooling, parental access, and separation from siblings and caregivers.

(3) In one case giving rise to the need for this act, Niko, an autistic child, was wrongfully withheld from his lawful parent for approximately 133 days, during which he was separated from his twin sister, relocated from his established environment

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and schooling, and denied consistent access to his family, resulting in significant emotional and developmental harm.

(4) Law enforcement officers frequently lack clear statutory guidance regarding their authority and responsibilities when presented with facially valid court orders involving custody or time-sharing disputes.

(5) In certain circumstances, law enforcement officers have been reluctant to intervene despite the possible applicability of s. 787.03, Florida Statutes, believing such matters to be purely civil in nature.

(6) The Legislature recognizes the need to establish a clear civil enforcement framework that promotes compliance with lawful parenting plans while preserving child safety as the paramount concern.

(7) This act is cited as "Niko's Law" in recognition of the circumstances that gave rise to the need for clearer statutory guidance concerning enforcement of lawful custody and time-sharing orders.

(8) It is the intent of the Legislature that:

(a) Valid court orders governing custody and time-sharing be meaningfully enforced;

(b) Law enforcement officers receive clear statutory guidance regarding their duties and limitations;

(c) Child safety remain the paramount consideration in all enforcement actions;

(d) Nothing in this act be construed to authorize law enforcement officers to adjudicate custody disputes or modify court orders; and

(e) Courts retain continuing jurisdiction over all custody and parenting plan determinations.

Section ~~2~~ 3. Paragraph (a) of subsection (14) of section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.—As used in this chapter, the term:

(14) "Parenting plan" means a document created to govern the relationship between the parents relating to decisions that must be made regarding the minor child and must contain a time-sharing schedule for the parents and child. The issues concerning the minor child may include, but are not limited to, the child's education, health care, and physical, social, and emotional well-being. In creating the plan, all circumstances between the parents, including their historic relationship, domestic violence, and other factors must be taken into consideration.

(a) The parenting plan must ~~be~~:

1. Be developed and agreed to by the parents and approved by a court; or

2. Be established by the court, with or without the use of a court-ordered parenting plan recommendation, if the parents cannot agree to a plan or the parents agreed to a plan that is not approved by the court;and

3. Include notice that law enforcement assistance may be available pursuant to s. 61.44 for enforcement of clearly established custody or time-sharing rights.

Section 4. Section 61.44, Florida Statutes, is created to read:

61.44 Law Enforcement Assistance in Parenting Plan Enforcement.

(1) Purpose and Construction.

This section is intended to facilitate the civil enforcement of court-ordered parenting plans and custody determinations while preserving child safety as the paramount concern.

This section shall be construed as establishing a ministerial civil enforcement assistance mechanism only and may not be interpreted to:

(a) Expand or diminish judicial authority over custody determinations or parenting plans;

(b) Authorize a law enforcement officer to adjudicate custody disputes; or

(c) Modify any court order or parenting plan.

Nothing in this section limits or precludes the continuing jurisdiction of the court to resolve custody disputes or modify parenting plans.

(2) Duty of Law Enforcement.

A law enforcement officer may provide reasonable assistance to a parent or legal guardian who presents a facially valid court order or parenting plan and who alleges interference with lawful custody or court-ordered time-sharing rights.

Assistance under this section is intended solely to facilitate compliance with clearly established rights expressly stated in the order or parenting plan and to assist in locating the minor child when necessary.

(3) Reasonable Assistance.

For purposes of this section, "reasonable assistance" may include, but is not limited to:

(a) Conducting a welfare check to determine the location and condition of the child;

(b) Reviewing the presented order or parenting plan to determine facial validity;

(c) Accompanying the requesting parent or legal guardian to the location of the child for purposes of facilitating compliance with the order;

(d) Facilitating the return or exchange of the child when the order clearly establishes a present right to custody or time-sharing; and

(e) Taking enforcement action authorized by applicable law when probable cause exists.

(4) Child Safety Paramount.

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The immediate safety and welfare of the child shall remain the paramount concern in every case.

A law enforcement officer shall not facilitate the transfer of a child if the officer reasonably believes, based upon specific articulable facts, that the transfer would place the child in imminent danger of abuse, neglect, domestic violence, or physical harm.

If such circumstances exist, the officer shall take appropriate protective action and comply with all reporting obligations required by law, including notification to the Department of Children and Families when required.

(5) Limitations on Authority.

Nothing in this section authorizes a law enforcement officer to:

(a) Adjudicate competing custody claims;

(b) Interpret ambiguous or conflicting court orders;

(c) Modify a parenting plan or court order; or

(d) Determine ultimate custodial rights beyond the express terms of a facially valid order.

Officers may enforce only those rights that are clearly and unambiguously stated in the order or parenting plan.

(6) Ministerial Nature of Duties.

The duties described in this section are ministerial in nature and do not require a law enforcement officer to adjudicate custody rights or determine criminal liability under chapter 787.

(7) Definitions.

For purposes of this section, the term:

(a) "Facially valid" means a court order or parenting plan that appears authentic on its face, bears a judge's signature or electronic signature, identifies the parties and child, contains identifiable custody or time-sharing provisions, and does not

show an obvious indication of expiration, supersession, or invalidity.

(b) "Interference with lawful custody or time-sharing" means the refusal without lawful justification to release a child as required by a court order, concealment of a child, or any material denial of court-ordered custody or time-sharing rights.

(8) Documentation Requirement.

A law enforcement agency responding to a request for assistance under this section shall prepare an incident report documenting:

(a) The actions taken by the responding officer;

(b) Whether assistance was provided, denied, or limited; and

(c) The basis for any denial or limitation of assistance.

(9) Other Duties Preserved.

Nothing in this section relieves a law enforcement officer of any duty imposed by law regarding:

(a) Missing children;

(b) Child abuse, abandonment, or neglect;

(c) Domestic violence; or

(d) Criminal violations under chapter 787 or any other applicable law.

(10) Immunity.

A law enforcement officer or agency acting in good faith and in reasonable reliance upon a facially valid court order or parenting plan under this section is immune from civil liability, criminal liability, and administrative sanction arising from actions taken pursuant to this section.

This section does not create a private cause of action against a law enforcement officer, law enforcement agency, or the state

arising from the provision, denial, or limitation of assistance under this section.

The immunity provided under this subsection applies even if the court order is later modified, vacated, or determined to have been entered in error, provided the officer relied upon the order in good faith at the time assistance was provided.

(11) Applicability.

This section applies to any parenting plan or court order governing custody or time-sharing that is valid and in effect on or after the effective date of this act, regardless of the date on which such order or parenting plan was originally entered.

Section ~~4~~ 5. Subsection (3) of section 937.0201, Florida Statutes, is amended to read:

937.0201 Definitions.—As used in this chapter, the term:

(3) "Missing child" means a person younger than 18 years of age whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined by a parent or legal guardian possessing lawful custody or court-ordered access rights, and who has been reported missing to a law enforcement agency.

The term includes a child who is being wrongfully withheld or concealed by another parent, guardian, or individual in violation of a court order, custody determination, parenting plan, or applicable law, which may constitute a violation of s. 787.01 or s. 787.03.

Section 6. Training Requirements.

The Criminal Justice Standards and Training Commission shall incorporate training regarding custodial interference, parenting plan enforcement, and implementation of s. 61.44 into basic recruit training and continuing education curricula for law enforcement officers.

Section ~~5~~ 7. Effective Date. This act shall take effect July 1, 2027. ~~The Criminal Justice Standards and Training~~

~~Commission shall incorporate training on custodial interference into basic recruit training and continuing education curricula.~~

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